

AMENDED IN SENATE MAY 28, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

AMENDED IN ASSEMBLY MARCH 23, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 132

Introduced by Assembly Member Mendoza
(Principal coauthor: Assembly Member Huffman)
(Coauthors: Assembly Members Ammiano, De Leon, Fuentes,
Hernandez, Price, and Saldana)
(Coauthors: Senators Romero and Yee)

January 20, 2009

An act to add Article 6 (commencing with Section 32297) to Chapter 2.5 of Part 19 of Division 1 of Title 1 of the Education Code, relating to pupil safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 132, as amended, Mendoza. School safety: immigration investigations.

Existing law recognizes that all pupils enrolled in the state public schools have the inalienable right to attend classes on school campuses that are safe, secure, and peaceful. Existing law establishes various safety programs and procedures to address issues relating to school safety.

This bill would provide that it is the policy of the state that immigration agents should not interfere with the education of pupils in school. The bill would specify, however, that this policy not impede or restrict any lawful authority of immigration agents. The bill would, ~~to the extent permissible under~~ *except as required by federal law, require*

~~prohibit schools to not collect from collecting~~ information or documents or inquire about the immigration status of pupils or their family members. The bill would, if an employee of a school is aware that a pupil's parent or guardian is not available to care for the pupil, encourage the school to comply with certain procedures relating to procuring child care for the pupil. The bill also would encourage schools to provide counseling services for pupils affected by enforcement activities of immigration agents, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that under law, children are entitled to a public education while in California, regardless of immigration status, and that California schools should take steps to protect the integrity of their learning environments for all children.

SEC. 2. Article 6 (commencing with Section 32297) is added to Chapter 2.5 of Part 19 of Division 1 of Title 1 of the Education Code, to read:

Article 6. Immigration Investigations

32297. (a) It is the policy of the state that immigration agents should not interfere with the education of pupils in school. However, nothing in this subdivision shall be construed to impede or restrict any lawful authority of immigration agents.

(b) ~~To the extent permissible under~~ *Except as required by federal* law, schools shall not collect information or documents or inquire about the immigration status of pupils or their family members.

(c) If an employee of a school is aware that a pupil's parent or guardian is not available to care for the pupil, the school is encouraged to first comply with any parental instruction specific to that situation. If there is no parental instruction, the school is encouraged to exhaust the emergency contact information it has for the pupil to arrange for the pupil's care and is encouraged to contact Child Protective Services to arrange for the pupil's care only if the school is unable to arrange for care through the use of

- 1 emergency contact information, or other information or instructions
- 2 provided by the parent or guardian.
- 3 (d) Schools are encouraged to provide appropriate counseling
- 4 for pupils who may be affected by enforcement activities of
- 5 immigration agents that occur at the pupil's home, in a pupil's
- 6 community, or at a parent's or guardian's place of employment.

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